

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PACIFIC CAPITAL BANK, N.A.. d/b/a  
SANTA BARBARA BANK & TRUST,

Plaintiff,

-against-

GALEN D. KIRKLAND in his official  
capacity as Commissioner of the  
New York State Division of  
Human Rights,

Defendant.

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Civil Action No.  
08-CV-8760  
(JGK)(DCF)

**DECLARATION OF  
CHARLES F. SANDERS IN  
SUPPORT OF THE MOTION  
TO DISMISS THE COMPLAINT  
ON BEHALF OF DEFENDANT  
CMR. KIRKLAND**

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JACKSON HEWITT TAX SERVICE INC. and  
JACKSON HEWITT INC.,

Plaintiffs,

-against-

GALEN D. KIRKLAND in his official  
capacity as Commissioner of the  
New York State Division of  
Human Rights,

Defendant.

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Civil Action No.  
08-8863  
(JGK)(DCF)

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CHARLES F. SANDERS declares pursuant to 28 U.S.C. § 1746:

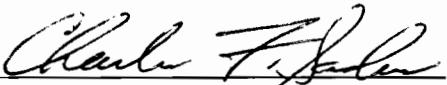
1. I am an Assistant Attorney General in the Office of the Attorney General of the State of New York, attorney for defendant Galen Kirkland, as Commissioner of the New York State Division of Human Rights, herein. I submit this declaration in support of Commissioner Kirkland's motion to dismiss plaintiffs' complaints pursuant to Rule 12 of the Federal Rules of

Civil Procedure, and to provide the Court with copies of documents in support of that motion.

2. Annexed hereto as Exhibit "A", is copy of the complaint by plaintiff Pacific Capital Bank in this action, which has twelve exhibits annexed thereto. Exhibits 1-12.

3. Annexed hereto as Exhibit "B", is a copy of the complaint by plaintiff Jackson Hewitt Tax Service, Inc. and Jackson Hewitt, Inc. ("Jackson Hewitt"), dated October 15, 2008, in this action.

4. I declare under the laws of the United States that the foregoing statements are true and correct.

  
CHARLES F. SANDERS (CFS-3574)

Executed August 10, 2009  
New York, New York